

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION

UNITED STATES OF AMERICA

PLAINTIFF

VS.

NO. 3:21CR107

JAMARR SMITH, THOMAS IROKO AYODELE,
AND GILBERT McTHUNEL, II

DEFENDANTS

TESTIMONY OF SYLVESTER COBBS
EXCERPT FROM JURY TRIAL

BEFORE HONORABLE SHARION AYCOCK
UNITED STATES DISTRICT JUDGE

Oxford, Mississippi
February 22, 2023

APPEARANCES NOTED HEREIN

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(JURY IN.)

THE COURT: You may have a seat.

Good morning, ladies and gentlemen. Thank you and thank you for your patience this morning. Had a couple of things I had to take care of, but we're now ready to start the case. And I'll ask the government to call their first witness.

MR. MIMS: Your Honor, we call Sylvester Cobbs.

(OATH WAS ADMINISTERED BY THE COURTROOM DEPUTY.)

COURTROOM DEPUTY: Thank you. You may take the stand.

SYLVESTER COBBS, GOVERNMENT'S WITNESS, AFTER BEING DULY SWORN,

WAS EXAMINED AND TESTIFIED AS FOLLOWS:

DIRECT EXAMINATION

BY MR. MIMS:

Q. Mr. Cobbs, would you state and spell your name for the record, please?

A. Sylvester Cobbs. S-y-l-v-e-s-t-e-r. C-o-b-b-s.

Q. Mr. Cobbs, where are you from?

A. Tunica.

Q. How long have you lived in Tunica?

A. All my life.

Q. All right. What do you do for a living?

A. I'm a contractor with the United States Post Office.

Q. What does it mean to be a contractor with the U.S. Post Office?

1 A. Well, I deliver mail to five post offices from DeSoto
2 County to Tunica County.

3 Q. Were you doing this in February of 2018?

4 A. Yes, sir.

5 Q. Okay. And how long have you been doing this?

6 A. Well, I started in '95 with the previous owner of the
7 contract, but I been on my own ever since 2009.

8 Q. When you say been on your own, does somebody buy the
9 contract from the post office?

10 A. No. The contract was in my name after that.

11 Q. Okay. So what route did you run? Tell the jury, if you
12 would, about the route, just in general, that you would run.

13 A. Well, my route number is 38620. It consists of Walls,
14 Lake Cormorant, Robinsonville, Tunica, and Dundee.

15 Q. Okay.

16 A. Five post office.

17 Q. So when would you run this route?

18 A. Well, I started that evening. Now, you want to go back
19 to the morning or the evening?

20 Q. Let's just talk about in general. Do you run a route in
21 the morning and in the afternoons?

22 A. Yes, sir. I run it in the morning and in the evening.

23 Q. What route -- what's your route in the morning? Take
24 us --

25 A. Well, I go to Memphis to the distribution center there

1 on -- on 3rd and G.O. (sic) Patterson Boulevard. That's where
2 they distribute the mail. Okay. After the dispatch time, I
3 begin my route on 3rd Street, which runs into 61 Highway, all
4 the way to Walls. That's my first stop, is Walls.

5 So I then have to go to Lake Cormorant in the morning
6 time because they distribute -- Lake Cormorant mail go to
7 Walls. And after I leave Walls, I go to Robinsonville. And
8 from Robinsonville to Tunica and from Tunica to Dundee. And
9 that's the end of my route. And so I live at Tunica, so I come
10 back to Tunica and go home.

11 Q. Okay. All of these post offices are generally along
12 Highway 61?

13 A. Yes, sir. They on -- well, like, Robinsonville and
14 Tunica, they off on Old 61 --

15 Q. Okay.

16 A. -- you know, the old road. Sit off the old road.

17 Q. What about in the afternoons? What's your route in the
18 afternoons?

19 A. Okay. In the afternoon when I leave home, I go to
20 Dundee -- go south to Dundee. And, then, after I collect the
21 mail at Dundee, I come back to Tunica and collect that mail and
22 go to Robinsonville, collect Robinsonville mail. Then I have
23 to go to Lake Cormorant in the evening to collect whatever mail
24 they had. And, then, after that, I go to Walls. And after I
25 collect that, I go to Memphis to the distribution center.

1 Q. How many days a week do you do this?

2 A. Six days a week. Monday through Saturday evening.

3 Q. And what exactly do you pick up when you go to these post
4 offices?

5 A. Well, it would be letters. It would be all consolidated,
6 you know. It -- it be in roll-off equipment. And they -- when
7 they process the mail, they put it in their equipment, you
8 know, called APCs, and I put it on the truck.

9 Q. Okay.

10 A. And then they also had registered mail, which they have
11 in a box. So I have to sign the paperwork and make sure I, you
12 know, keep up with it. And I always put it separate from
13 the regular mail on the back of the truck and, you know, lock
14 the doors.

15 Q. So you pick up regular mail and registered mail; correct?

16 A. Yes, sir, registered mail.

17 Q. Describe for me, if you would, how is the regular mail
18 packaged? Is it in a sack or what?

19 A. Well, it be in white flat tubs. It be in sacks, letter
20 trays, priority boxes. It just varies.

21 Q. What about the registered mail? How --

22 A. The registered mail would -- at that particular time, it
23 was in a white canvas bag, and it was sealed. So whatever in
24 it, I didn't know. I never asked what was in it.

25 When I started, the fellow told me to always put this

1 separate. And after you unload your regular mail, you take it
2 to the register room, and the clerk -- give it to the clerk,
3 and she verifies the serial number, sign off on it, and give
4 you your paperwork so you would have a receipt saying that you
5 did turn it in.

6 Q. Okay. What time would you normally make your afternoon
7 run? What time would you start it?

8 A. Well, normally, I would leave home about 3:45 or
9 ten minutes till 4:00 going to Dundee. And I probably arrive
10 at Dundee maybe about ten after 4:00 and probably leave maybe
11 around about -- between 4:20 or 4:30.

12 Q. What time would you normally make it to Lake Cormorant?

13 A. Well, the time, it varies. All depends on were they
14 through, you know, processing the mail and have it in the
15 holding area for me to pick up. And normally I would get to
16 Lake Cormorant roundabout 5:15 or 5:30, normally.

17 Q. Okay. And what vehicle did you drive?

18 A. I drove a 2011 4300 International bob truck. Excuse me.

19 Q. Who provides you with this vehicle?

20 A. I beg your pardon?

21 Q. Who provides you with this vehicle?

22 A. First Security. Not First Security. I mean Covington
23 Bank. I'm sorry.

24 Q. Did you own the vehicle?

25 A. Well, I -- they purchased it for me. It was in my name.

1 Q. Okay.

2 MR. MIMS: May I approach the witness, Your Honor?

3 THE COURT: You may.

4 BY MR. MIMS:

5 Q. Mr. Cobbs, do you recognize those photographs that I've
6 shown you?

7 A. Yes, sir, that's it.

8 Q. What is that?

9 A. That's my mail truck.

10 Q. All right. That's the truck that you would drive on this
11 route?

12 A. Yes, sir. It has my name on it, on the side. S. Cobbs,
13 U.S. Mail.

14 MR. MIMS: Your Honor, I'd offer G-2A and G-2B into
15 evidence.

16 THE COURT: Any objection?

17 MR. LEWIS: No objection.

18 THE COURT: A and B, is it, Mr. Mims?

19 MR. MIMS: 2A and 2B, Your Honor.

20 THE COURT: Okay. Be admitted.

21 (EXHIBIT NOS. G-2A AND G-2B ADMITTED INTO EVIDENCE.)

22 MR. MIMS: Ms. Tracy, have we got this on the screen
23 where everybody can see it?

24 COURTROOM DEPUTY: It may -- it's just came up.

25 THE COURT: Can everybody see their screen?

1 **BY MR. MIMS:**

2 **Q.** All right. Mr. Cobbs, just so the jury can see --
3 because they haven't seen this yet. This is G-2A. Is that a
4 picture of your mail truck?

5 **A.** (Nods head up and down.)

6 **Q.** Sir, you have to answer out.

7 **A.** Oh, yes, sir. Yes, sir. That's a picture of my mail
8 truck. I'm sorry.

9 **Q.** Thank you. And, in fact, if I zoom in, is this your name
10 on the side of it?

11 **A.** That's my name --

12 **Q.** Okay.

13 **A.** -- DOT number and motor carrier number and all.

14 **Q.** All right. And is this -- G-2B, is this a picture of the
15 back of the truck?

16 **A.** Yes, sir.

17 **Q.** All right. Mr. Cobbs, as far as registered mail bags,
18 how many of those did you pick up on average?

19 **A.** Five.

20 **Q.** One at each post office?

21 **A.** One at each post office.

22 **Q.** Now, let's talk about Lake Cormorant for a minute. That
23 post office is only open half a day, isn't it?

24 **A.** Half a day normally.

25 **Q.** Okay. So, when you would get there at 5:15 or 5:30 in

1 the evening, would it be closed?

2 A. Closed. No one is there.

3 Q. Did you have a key?

4 A. Well, we have a key to the post -- you know, to the back
5 where we collect the mail from.

6 Q. Okay. Did you run this route by yourself?

7 A. Yes, sir.

8 Q. Okay. And did you know what was in the registered
9 mailbags?

10 A. No, sir.

11 Q. So let me ask you, what happened to you on February 5th
12 of 2018?

13 A. Well, I kind of hate to think about it because it's
14 really traumatizing, and -- and -- and I wouldn't wish that --
15 I know that's not what you asked me, but I wouldn't wish that
16 on nobody, you know.

17 Q. So what happened that day? When did you start your
18 route? Let's take it that way.

19 A. Like I said, I normally start my route -- I leave home
20 normally around a quarter till 4:00 or ten minutes to 4:00, and
21 normally I get to Dundee about ten minutes after. And as I
22 stated, when I got to Dundee, I collected their mail,
23 registered bag. And I proceeded on to Tunica, and I did the
24 same thing there. From Tunica to Robinsonville.

25 And then when I get to Lake Cormorant, at that particular

1 time, we had the blue box where they -- you know, the letters.
2 So I came -- when I got there, I backed in the back like I
3 normally do. And I came around, collect the mail out of the
4 blue box. And I can't remember was anything in it that
5 particular day or not.

6 So, when I went around to the back, I unlocked the door,
7 and I had my back turned to the door, and I felt something hit
8 my face. And I looked up. I said, "Where is water coming
9 from?" And by that particular time, I turned around, and the
10 fellow kept -- was trying to -- was pepper spraying me because
11 it had already hit my eyes. And then he hit me and told me to
12 get back. He'll shoot me. And so I got back. I stepped back.

13 And so I guess after all of that, I kind of got angry,
14 you know, upset. And so he went over to the truck and came
15 back and looked at me and said he was going to shut the door.
16 And I kicked the door back open. And by me kicking the door
17 open, his back turned to me. So I grabbed him from behind, and
18 we was just tussling, tussling.

19 And whatever he -- the weapon he had in his hand, he
20 dropped it. And so I was trying to get around so I could get
21 in front of him to get it. And I fell off the sidewalk. And
22 that was it. And, then, after that, he picked it up and hit
23 me.

24 And so I stood up, and he told me if I didn't get down
25 again he would kill me. And so I said, "Please don't kill me."

1 So I -- he said, "Get down." So I dropped. And then he hit me
2 repeatedly about three or four times or even more. So I said
3 in my mind, if I stay here, he going to beat my brains out. So
4 I stood up.

5 And, like I said, he never asked me for anything. Only
6 thing he told me, he would kill me and get down, you know. And
7 I wouldn't wish that on nobody, you know, nobody. And that was
8 a moment I -- you know, I always wanted to know what happened,
9 who was involved in it, and now, you know, it done came to
10 light, you know, and stuff.

11 Q. Could you identify the person?

12 A. Well, the only thing I know, it was a male, and I believe
13 he was black. He had on a mask. So I couldn't tell, you know,
14 exactly, but I believe he was black and was a male.

15 Q. What kind of clothes was he wearing?

16 A. Seems like it was all dark clothes to me.

17 Q. Okay. Were you injured?

18 A. Yes, sir. When he hit me the first time when I was
19 inside the holding area, I felt blood running down my cheek,
20 and it was hurting. And, then, like I said, after he hit me
21 the first time -- and then he told me to get back. I'll shoot
22 you. So, like I said, I stepped back.

23 And then he was going to shut the door, like I stated
24 earlier. And I just got -- you know, just lost it, and I
25 kicked the door back on him. And, like I said, his back was to

1 me, and I tried to -- from behind. And as we was tussling --
2 because his back was to me, and he dropped it. And, like I
3 said, I fell off the sidewalk.

4 And then when he did pick the weapon up, he hit me. And
5 I stood up. And then he told me if I don't get down again,
6 he'll kill me. And so I dropped to my knees again. He kept
7 hitting me repeatedly over and over. And I stood up after
8 that, you know, and --

9 Q. You've talked about a door. Are you referring to the
10 back door of the post office?

11 A. The back door of the post office. The holding area.

12 Q. So what did the person do after he attacked you?

13 A. After he attacked me?

14 Q. Yes, sir.

15 A. He went over to the truck, and he got that flat tub that
16 the registered mail was in.

17 Q. Did he take anything besides registered mail?

18 A. That's all he got, registered mail, sir.

19 Q. Would that have been the tub that had the registered mail
20 from all three previous --

21 A. All three post office.

22 Q. Okay. What did you do following the attack?

23 A. During the attack?

24 Q. After the attack.

25 A. After the attack?

1 Q. What did you do?

2 A. Well, I got in my truck and came around to the front --

3 Q. Okay.

4 A. -- and called 911.

5 Q. You did call 911?

6 A. Yes, sir.

7 Q. All right. And we listened to that 911 call a few
8 minutes ago before you came in here; right?

9 A. Yes, sir.

10 Q. All right.

11 MR. MIMS: Your Honor, at this time, I'd like to play
12 the 911 call for the jury.

13 THE COURT: You may.

14 BY MR. MIMS:

15 Q. Mr. Cobbs, we'll let this play, and I'm going to ask you
16 a couple questions after. For right now, we're just going to
17 let it play for the jury. Okay?

18 A. Yes sir.

19 (PLAYING 911 CALL, EXHIBIT NO. G-8.)

20 MR. MIMS: Just pause it one second.

21 (AUDIO PAUSED.)

22 MR. MIMS: Can we adjust the volume?

23 COURTROOM DEPUTY: I'm turning it up, but it's not
24 changing. I don't know --

25 MR. MIMS: Back up to the very beginning and turn it

1 up.

2 (PLAYING 911 CALL, EXHIBIT NO. G-8.)

3 THE COURT: Hang on.

4 (AUDIO PAUSED.)

5 THE COURT: Do you -- you don't have it on your
6 screen, do you?

7 JURORS: (Shake heads from side to side.)

8 THE COURT: I don't either.

9 MR. MIMS: Your Honor, it's just audio.

10 THE COURT: Okay. Just audio. I'm sorry.

11 MR. MIMS: Your Honor, can we back it up one more time
12 and turn it up just a little bit just to hear it? There we go.

13 (PLAYING 911 CALL, EXHIBIT NO. G-8.)

14 BY MR. MIMS:

15 Q. Mr. Cobbs, was that your voice on that 911 call?

16 A. Yes, sir.

17 Q. Did you make that call right after this robbery occurred?

18 A. Yes, sir.

19 Q. All right.

20 MR. MIMS: Your Honor, I have put the 911 call on a
21 wallet drive marked as G-8. I would offer that into evidence.

22 THE COURT: Any objection?

23 MR. LEWIS: No, Your Honor.

24 MR. TRAVIS: No, Your Honor.

25 THE COURT: It will be admitted.

1 (EXHIBIT NO. G-8 ADMITTED INTO EVIDENCE.)

2 **BY MR. MIMS:**

3 **Q.** Mr. Cobbs, on the 911 call, you mentioned a gun. Is that
4 the weapon you're describing he attacked you with?

5 **A.** Yes, sir.

6 **Q.** And you also mentioned a red Hyundai. Tell me about that
7 red Hyundai.

8 **A.** Well, the red Hyundai, like I said, when I came around to
9 the front to bump the blue box, it came across the track. It
10 was driving real slow. And that's kind of unusual. Then they
11 turned around and came back. I assumed they kept going
12 because, you know, like I said, people come through there all
13 of the time. I assumed they kept going south.

14 But after all of this happened, I came around. The car
15 was sitting there, and they pulled off. And that's the end
16 that I saw of the car.

17 **Q.** Mr. Cobbs, did we watch a video this morning?

18 **A.** Yes, sir.

19 **Q.** Did that video show this crime as it occurred?

20 **A.** Well, it showed it, but it didn't show everything.

21 **Q.** Did it -- did it show the post office?

22 **A.** It showed the post office.

23 **Q.** Showed you pull up in the truck?

24 **A.** Yes, sir.

25 **Q.** Show a part of you getting attacked?

1 **A.** Yes, sir.

2 **Q.** Is that video an accurate depiction of what occurred that
3 day?

4 **A.** Yes, sir.

5 **Q.** All right.

6 **MR. MIMS:** Your Honor, at this time, I'd like to play
7 the video for the jury.

8 **THE COURT:** You may.

9 **MR. MIMS:** Your Honor, for the record, what we've got
10 marked as Exhibit G-1 is an hour-long video from the security
11 camera across the street on a private -- private property.
12 It's an hour-long video. Rather than playing an hour-long
13 video, we were going to start it when the first suspicious
14 vehicle comes into the scene until the last -- until that
15 suspicious vehicle leaves the scene at the end to shorten that.

16 **THE COURT:** You may do so. And subject to --
17 defendants may want to show the entire video.

18 (CONFERRING OFF THE RECORD.)

19 **MR. MIMS:** Your Honor, we'd like to go ahead and offer
20 it into evidence as G-1.

21 **THE COURT:** Any objection?

22 **MR. LEWIS:** No objection.

23 **MR. TRAVIS:** No objection, Your Honor.

24 **THE COURT:** G-1 is admitted.

25 (EXHIBIT NO. G-1 ADMITTED INTO EVIDENCE.)

1 **MR. MIMS:** Your Honor, just for the record, there's
2 a -- there's a clock in the lower left corner of the video.
3 That clock is not the time of day. It is merely how many
4 minutes into this video it is. And we're going to start at the
5 5-minute, 44-second mark on the video.

6 And let's go ahead -- we're going to play audio with
7 it too. You can't hear much, but we're going to go ahead and
8 just play the audio with that as well.

9 **BY MR. MIMS:**

10 **Q.** Mr. Cobbs, we're just going to watch this probably in
11 silence a good bit. I might ask you a question or two as we go
12 through it, but mostly we'll just watch it.

13 (PLAYING VIDEO, EXHIBIT NO. G-1.)

14 **BY MR. MIMS:**

15 **Q.** Mr. Cobbs, is that the side of the post office right
16 there at Lake Cormorant?

17 **A.** Yes, sir.

18 **Q.** Okay. Mr. Cobbs, is that your truck we see pulling into
19 the scene?

20 **A.** Yes, sir.

21 **Q.** Mr. Cobbs, you see that vehicle coming across on the
22 right?

23 **A.** Yes, sir.

24 **Q.** Is that the red Hyundai that you mentioned earlier?

25 **A.** I believe it is.

1 **MR. MIMS:** Let's pause the video right here for just
2 one second.

3 (VIDEO PAUSED.)

4 **BY MR. MIMS:**

5 **Q.** Mr. Cobbs, are you one of the gentlemen we just saw come
6 out from behind the truck?

7 **A.** I'm the one was rolling on the ground.

8 **Q.** All right.

9 **MR. MIMS:** Let's go ahead and keep playing.

10 (RESUMED PLAYING VIDEO.)

11 **BY MR. MIMS:**

12 **Q.** Mr. Cobbs, can you see what the person who attacked you
13 has in his hands?

14 **A.** Yes, sir.

15 **Q.** What is that that he has in his hands?

16 **A.** A gun.

17 **Q.** No, sir. He has something white in his hands.

18 **MR. MIMS:** Tracy, you can go ahead and turn the volume
19 down now. We're just going to hear a train at this point.

20 **BY MR. MIMS:**

21 **Q.** Did you see anything white in his hands a minute ago?

22 **A.** That's the tub that I would have the registered bags in.

23 **Q.** Thank you. And what are you doing at this point?

24 **A.** I'm sitting in the truck calling. Face burning.

25 Terrified. Scared to death.

1 Q. Was this when you made the 911 call?

2 A. Yes, sir.

3 Q. Did you make any other calls?

4 A. Well, I called my wife, and I also called the post office
5 to report to them that I -- you know, what happened, the people
6 that are in transportation.

7 Q. Mr. Cobbs, is that you we see out walking around in front
8 of your truck?

9 A. Yes, sir.

10 Q. Let me ask you this while we're watching this. What's
11 behind the post office?

12 A. What did you say?

13 Q. What's behind the post office?

14 A. What's behind it? It's a -- a farm shop.

15 Q. Is there anything else back there?

16 A. Equipment, trees.

17 Q. In other words, is there a road? Can you drive off and
18 go down that road?

19 A. Old 61 run parallel with the post office.

20 Q. Parallel with the post office?

21 A. Yes sir. Parallel with the road -- excuse me -- with the
22 railroad track.

23 Q. But as far as directly behind the post office, is there
24 any roads or anything back that way?

25 A. Further south -- further north it is and then the road

1 going back towards the levee.

2 Q. Mr. Cobbs, is this you -- looks like you've walked around
3 to the back of the post office. Why did you do that?

4 A. I don't remember walking around behind the post office.
5 I don't remember now. Maybe I did. Maybe -- I don't recall.

6 MR. MIMS: All right. We can stop it right there.

7 (STOPPED VIDEO.)

8 MR. MIMS: Can we shade this for a minute while she
9 works on something on her computer so we will not be showing it
10 to everybody?

11 COURTROOM DEPUTY: Just a second.

12 BY MR. MIMS:

13 Q. Mr. Cobbs, does that video accurately depict what
14 happened that day?

15 A. Yes, sir.

16 Q. Let me ask you this question. Do you know a Chevella
17 Hines?

18 A. From being at Robinsonville Post Office -- Robinsonville
19 and Lake Cormorant.

20 Q. Who is Ms. Hines?

21 A. I beg your pardon?

22 Q. Who is Chevella Hines?

23 A. She's a lady that was over the post office.

24 Q. When you say "over," what do you mean?

25 A. She was the active postmaster at that time.

1 Q. Okay. At which post office?

2 A. Robinsonville and Lake Cormorant.

3 Q. Okay. Ask you this question. Did you seek any medical
4 treatment after this attack?

5 A. Yes, sir.

6 Q. What did you do for medical treatment?

7 A. Went to the emergency room, DeSoto Baptist.

8 Q. I'm sorry. What was the last thing you said?

9 A. DeSoto Baptist in Horn Lake.

10 Q. Okay. How has this -- how has this affected you?

11 A. Would you repeat that?

12 Q. How has this -- did this affect you at all, this robbery?

13 A. Yes, sir.

14 Q. How has it affected you?

15 A. It hurts. It still hurts. And, then, when you're trying
16 to make a living, provide for your family, an honest living,
17 hard worker, and then something like this here happen to you.
18 You know, this is something you don't want to remember, but you
19 never forget.

20 Like I say, I'll never forget that day -- that day,
21 February the 5th, 2018. You know, it always -- and it -- and I
22 still have flashbacks when I get to it, but I'm more cautious
23 now, you know.

24 Q. Okay. Still running your route every day?

25 A. Still -- I don't run it every day, but I -- I'm still

1 responsible for it.

2 Q. Okay. When you don't run it, do you have a substitute
3 that runs it for you?

4 A. Yes, sir.

5 Q. Mr. Cobbs, I want to go back to the video for one second
6 and look at something that we didn't see a minute ago.

7 MR. MIMS: Let's go back to the video.

8 (PLAYING VIDEO, EXHIBIT NO. G-1.)

9 BY MR. MIMS:

10 Q. All right. This is the same video. Now we've got it
11 where we can see -- I think maybe we were zoomed in a little
12 bit a minute ago. Now we can see the store on the right. Do
13 you see that store on the right?

14 A. Yes, sir, I see it.

15 Q. Okay. Is that store -- is it open or closed or --

16 A. Closed. It's been closed for years.

17 Q. All right.

18 MR. MIMS: Let's go back, if we would -- we don't have
19 to play the whole thing, but let's play where -- where you see
20 the red car go across the tracks and come back, and we'll start
21 from there.

22 (REWINDING VIDEO.)

23 MR. MIMS: All right. Here we go.

24 BY MR. MIMS:

25 Q. Mr. Cobbs, a minute ago, we had it zoomed in a little

1 bit, and you couldn't see the store. I just want to watch a
2 brief portion of it again where we can see the store.

3 (RESUMED PLAYING VIDEO.)

4 **BY MR. MIMS:**

5 **Q.** Mr. Cobbs, on the video there, did you see the red car
6 pull up in front of the store and turn around?

7 **A.** Yes, sir.

8 **Q.** I know at this moment you're being attacked at the back.
9 When you got in your truck and pulled forward, did you see that
10 red car?

11 **A.** It pulled off when I got around to the front.

12 **MR. MIMS:** Thank you. That's good, Ms. Bailey.

13 (STOPPED VIDEO.)

14 **BY MR. MIMS:**

15 **Q.** Mr. Cobbs, just a couple more questions for you. Where
16 had you been right before Lake Cormorant?

17 **A.** Say what now?

18 **Q.** Where had you been right before the Lake Cormorant stop?
19 What was your stop right before that?

20 **A.** Robinsonville.

21 **Q.** All right. And where did these registered mail bags come
22 from that were stolen?

23 **A.** Dundee, Tunica, and Robinsonville.

24 **MR. MIMS:** Your Honor, I have no further questions.

25 **THE COURT:** Thank you.

1 Cross-examination.

2 Counselors, if it's okay with you, during the trial,
3 I'm just going to take you in this order for cross-examination.

4 **MR. CHINICHE:** Sure, Your Honor.

5 **MR. LEWIS:** Sure.

6 **CROSS-EXAMINATION**

7 **BY MR. LEWIS:**

8 **Q.** Good morning, Mr. Cobbs. My name is Goodloe Lewis.

9 Sorry to meet you under these circumstances.

10 Just to be clear, you could not and did not identify who
11 was in the red car. You have no idea who was driving?

12 **A.** No, sir.

13 **Q.** Okay. Now, you were talking about Old 61 and, I guess
14 you'd say, new 61 there in the vicinity of the post office;
15 correct?

16 **A.** Right.

17 **Q.** New 61 is a four-lane; correct?

18 **A.** Correct. Now.

19 **Q.** And was then too?

20 **A.** Yes, sir.

21 **Q.** Okay. And pretty -- pretty busy four-lane highway. Good
22 bit of traffic going up and down 61?

23 **A.** Yes.

24 **Q.** Okay. And then that was true even around the time of
25 this incident. There was a good bit of traffic out there on

1 61; correct?

2 A. Which one now?

3 Q. New 61, the four-lane.

4 A. I wasn't on new 61.

5 Q. I understand. I'm just asking you -- there was a lot of
6 traffic out there on new 61. You could see that. You could
7 tell that. You knew that?

8 A. I assume it was.

9 Q. Okay. I mean, that's reasonable; correct?

10 A. Possible.

11 Q. Okay. Let me ask you about an incident that occurred on
12 the date of the -- of the incident you're talking about here
13 today that you told a -- an investigator about. You said that
14 when you were at the Robinsonville Post Office that somebody
15 approached you and asked you some questions. You recall that?

16 A. I recall that.

17 Q. Okay. And this was -- I -- it's not clear. Was this in
18 the morning or the evening?

19 A. Evening. Evening.

20 Q. Okay. And this was before you got to Lake Cormorant;
21 correct?

22 A. Yes, sir.

23 Q. Okay. And a person approached you at that time and asked
24 you some questions; correct?

25 A. Correct.

1 Q. This person, you said, was about your height; correct?

2 A. Or a little taller.

3 Q. Okay. Medium build, no hair on the face, possibly in the
4 mid-30s; correct?

5 A. Possible.

6 Q. Okay. Well, I'm asking you what you remember. Does that
7 sound like what you remember?

8 A. It sounds like what I remember.

9 Q. Okay. And the -- this person was driving a new model
10 small maroon SUV; correct?

11 A. I didn't say maroon. I said two-toned. Brown. Tan and
12 Brown.

13 Q. Fair enough. And you told this person how to apply for a
14 job like you had; correct?

15 A. Yes, sir. I told him he had to go on line.

16 Q. Okay. And then that person drove off; correct?

17 A. Correct.

18 Q. And you told the investigating officer that you thought
19 it was odd and felt like it was possibly a setup that this
20 person came and talked to you?

21 A. Could have been.

22 Q. Okay. You're pretty familiar with the Walls area;
23 correct?

24 A. Yes, sir.

25 Q. You come through Walls, I guess, just about every day;

1 correct?

2 A. Yes, sir.

3 Q. There's a salvage yard there called Tri-State Salvage?

4 A. Tri-State?

5 Q. Tri-State.

6 A. That's back over in the field area off of Church Road.

7 Q. Okay. Not in the Walls area?

8 A. No.

9 Q. You're not familiar with a salvage yard in --

10 A. I'm familiar with it, but it's off of 61 Highway.

11 Q. Okay. In the Walls area?

12 A. In the Walls area. Between Lake Cormorant and Walls.

13 Q. That's what I'm asking. I'm asking you about Tri-State
14 Salvage in the area of Walls. You know that exists?

15 A. Yes, sir.

16 Q. And they sell salvage vehicles, salvage engines, things
17 of that nature?

18 A. I don't know what all they sell.

19 Q. Okay.

20 MR. LEWIS: Thank you, Your Honor. I have no further
21 questions.

22 THE COURT: Thank you.

23 Mr. Chiniche.

24 MR. CHINICHE: Yes, Your Honor.

25 CROSS-EXAMINATION

1 **BY MR. CHINICHE:**

2 **Q.** Morning, Mr. Cobbs. I represent Mr. McThunel in this
3 case. You cannot identify Mr. McThunel as the assailant who
4 attacked you, can you?

5 **A.** Not personally.

6 **Q.** You can't say that it was Mr. McThunel that attacked you?

7 **A.** If you're wearing a mask, how can I?

8 **Q.** I just want to be sure. You can't say it was my client?

9 **A.** No.

10 **Q.** Mr. Cobbs, were you using your cell phone that day?

11 **A.** After everything happened.

12 **Q.** You called -- I understand that you first called your
13 wife before 911?

14 **A.** Correct.

15 **Q.** Why did you call your wife first?

16 **A.** Well, that's normally what a -- you know, you do when
17 stuff happens to you, let your wife know what's going on.

18 **Q.** You didn't call 911 first?

19 **A.** And I called 911. She reminded me.

20 **Q.** And in that video, we first saw you back into the back of
21 the post office, get out, and then you walked to the front of
22 the post office?

23 **A.** Correct.

24 **Q.** What were you doing walking to the front of the post
25 office?

1 A. I have a blue box. I have to get the letters out.
2 That's why I went to the front.

3 Q. Is that the registered mail?

4 A. No, sir.

5 Q. And then you -- you got your blue box, and you walked to
6 the back of the building again?

7 A. Correct.

8 Q. And during that process, you saw a red Hyundai?

9 A. When I came around to the front.

10 Q. Okay. And you're sure it was a red Hyundai?

11 A. It was red.

12 Q. But what did you tell investigators?

13 A. I said it was a red Hyundai. That's what I described. A
14 red Hyundai. Whatever after that, that's it.

15 Q. Are you sure about that, or could you be mistaken?

16 A. I'm sure.

17 Q. You sure it's not a red Honda?

18 A. I'm sure.

19 Q. You sure it's not a small Toyota Corolla?

20 A. I'm sure.

21 Q. Okay. Do you have -- do you use e-mail?

22 A. Beg your pardon?

23 Q. Do you use e-mail?

24 A. Sometimes.

25 Q. Do you have a Gmail account?

1 **A.** Yes.

2 **Q.** So your e-mail is through Gmail, Google; right?

3 **A.** Whatever.

4 **Q.** Okay. How old are you, Mr. Cobbs?

5 **A.** 70 years old.

6 **MR. CHINICHE:** Thank you, Your Honor. No further
7 questions.

8 **THE COURT:** Thank you.

9 Mr. Travis.

10 **MR. TRAVIS:** No cross. Thank you, Your Honor.

11 **THE COURT:** Thank you. May this -- do you have any
12 redirect?

13 **MR. MIMS:** No redirect, Your Honor. Thank you.

14 **THE COURT:** May he be finally excused?

15 **MR. MIMS:** Yes, please.

16 **THE COURT:** Is it okay if he remains in the courtroom?

17 Mr. Cobbs, you're free to leave the courthouse. If
18 you'd like to stay, you can sit out here in the gallery now
19 that you've testified. Thank you, sir.

20 **THE WITNESS:** Okay.

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CERTIFICATE

I, Phyllis K. McLarty, Federal Official Realtime Court Reporter, in and for the United States District Court for the Northern District of Mississippi, do hereby certify that pursuant to Section 753, Title 28, United States Code, that the foregoing 31 pages are a true and correct transcript of the stenographically reported proceedings held in the above-entitled matter and that the transcript page format is in conformance with the regulations of the Judicial Conference of the United States.

Witness my hand, this 12th day of May, 2023.

/s/ Phyllis K. McLarty
PHYLLIS K. McLARTY, RMR, FCRR, CCR #1235
Federal Official Court Reporter